



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land  
Helping build great communities

MEETING DATE March 3, 2006 EFFECTIVE DATE March 17, 2006	CONTACT/PHONE Stephanie Fuhs (805) 781-5721	APPLICANT Chris and Lisa Chandless	FILE NO. DRC2004-00274
<b>SUBJECT</b> Hearing to consider a request by Chris and Lisa Chandless for a Minor Use Permit to allow a modification of the limitation on the maximum distance requirement of a secondary dwelling from a primary dwelling from 50 feet to approximately 150 feet to allow a 795 square foot secondary dwelling and 609 square foot attached garage on a 1.2 acre parcel. The proposed project is within the Residential Suburban land use category and is located at 1851 Lincoln Avenue, approximately 400 feet south of Los Berros Road, approximately three miles north of the community of Nipomo. The site is in the South County (Inland) planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2004-00274 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> A Class Three Categorical Exemption was issued on December 21, 2005 (ED05-256).			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 091-032-010	SUPERVISOR DISTRICT(S) 4
<b>PLANNING AREA STANDARDS:</b> None applicable <i>Does the project meet applicable Planning Area Standards:</i> Not applicable			
<b>LAND USE ORDINANCE STANDARDS:</b> 22.10.090 – Height Measurement, 22.10.140 – Setbacks, 22.30.470 – Secondary Dwellings <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			
<b>FINAL ACTION</b> This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on March 17, 2006, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
<b>EXISTING USES:</b> Single family residence and detached garage			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Residential Suburban/Residences <i>East:</i> Residential Suburban/Residences <i>South:</i> Residential Suburban/Residences <i>West:</i> Residential Suburban/Residences			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Nipomo Community Advisory Council, Public Works, CDF, CalTrans			
<b>TOPOGRAPHY:</b> Mostly level		<b>VEGETATION:</b> Grasses, forbs, ornamentals, cypress	
<b>PROPOSED SERVICES:</b> Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF		<b>ACCEPTANCE DATE:</b> October 4, 2005	

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:  
COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242

## DISCUSSION

### LAND USE ORDINANCE STANDARDS:

22.10.090 – Height Measurement: The maximum height allowed is 35 feet. As proposed, the secondary dwelling is one story and approximately 16 feet which meets this standard.

22.10.140 – Setbacks: Setbacks on a parcel one acre or larger are 25 feet from the front property line, and 30 feet from the side and rear property lines.

22.30.470 – Secondary Dwellings: On parcels less than five acres being served by an on-site well and septic system, secondary dwellings are to be located within 50 feet of the primary dwelling and have a size restriction of 800 feet, exclusive of a garage and workshop. Section 22.30.470(F)(3) allows the Review Authority to approve exceptions to design standards to allow a secondary dwelling to be located farther than 50 feet from the primary dwelling (see discussion below).

COMBINING DESIGNATIONS: *Flood Hazard* – Review by the Public Works Department found that the site is located in the 500-year flood zone which does not require any specific development standards.

### STAFF COMMENTS:

*Neighborhood Compatibility:* The area is zoned Residential Suburban and consists of primarily one to three acre parcels. There are several lots in the immediate vicinity with single family residences and secondary units. There is a wide variety of newer, large homes and older, farm house styles within 1/4 mile of the property.

*Distance Waiver Request:* The proposed secondary dwelling is located on the western portion of the property on a level portion of the project site. A row of cypress trees is located along the northern boundary of the property which will visually screen the proposed residence from Lincoln Avenue. Increasing the distance from 50 feet to approximately 150 feet will not significantly increase the amount of site disturbance and will only minimal vegetation removal. Further, drainage and sedimentation and erosion control impacts will not be increased by having the secondary dwelling located 150 feet from the primary dwelling.

### POLICY ISSUES:

Staff has historically viewed secondary dwellings as a means to provide lower-income housing for family members or as rental units. When considering distance waiver requests, staff conducts a site visit to evaluate any obvious environmental concerns with regard to vegetation removal and drainage. For this particular project, no significant vegetation exists on the property other than the row of cypress trees which staff is recommending being retained as much as feasible to provide screening from adjacent roads. With regard to drainage, Public Works reviewed the project and did not indicate any significant concerns.

Because of continued concerns about water availability on and around the Nipomo Mesa, staff is recommending that water conservation measures be included as conditions of approval for the project.

COMMUNITY ADVISORY GROUP COMMENTS: No comments received.

### AGENCY REVIEW:

Public Works - No concerns

CDF – See attached fire safety plan

Cal Trans – No comments received

City of Arroyo Grande – Responded with “no comment”

**LEGAL LOT STATUS:**

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs  
and reviewed by Kami Griffin, Supervising Planner

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class Three) pursuant to CEQA Guidelines Section 15303 because the project is one small residence located in a residential land use category and will not have a significant environmental impact on fish or wildlife habitat.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the secondary dwelling does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the secondary dwelling is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Lincoln Avenue, a local road constructed to a level able to handle any additional traffic associated with the project.

### *Secondary Dwelling Adjustments*

- G. Modification of the distance a secondary dwelling can be located from a primary dwelling from 50 feet to allow a secondary dwelling to be located approximately 150 feet from the primary dwelling is justified because there are specific conditions of the site that make the standard unnecessary. These conditions include the secondary dwelling being located on a level portion of the site near Lincoln Avenue behind a row of existing cypress trees which will act as a visual screen from adjacent roads. No significant increase in site disturbance or vegetation removal will occur by placing the secondary more than 50 feet from the primary dwelling.

**EXHIBIT B - CONDITIONS OF APPROVAL  
DRC 2004-00274 (Chandless)**

**Approved Development**

1. This approval authorizes
  - a. modification of the limitation on the maximum distance requirement of a secondary dwelling from a primary dwelling from 50 feet to approximately 150 feet to allow a 795 square foot secondary dwelling and 609 square foot attached garage on a 1.2 acre parcel.
  - b. maximum height is 35 feet from average natural grade.

**Conditions required to be completed at the time of application for construction permits**

***Site Development***

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved floor plan and architectural elevations.
3. **At the time of application for construction permits**, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
  - a. Location of the existing cypress trees on the site and the number of trees proposed for removal.
  - b. Location of the proposed secondary dwelling and septic system outside of the area of the existing cypress trees so the trees are not removed and provide the screening of the residence from adjacent roads.

***Fire Safety***

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

***Services***

5. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
6. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

**Conditions to be completed prior to issuance of a construction permit**

***Fees***

7. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

***Owner Occupancy Requirement***

8. **Prior to issuance of a construction permit**, the applicant for the second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 22.74 of this title. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence.

**Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

9. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
10. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**On-going conditions of approval (valid for the life of the project)**

11. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
12. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



7

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

JUL - 1 2005

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

6/30/05

FROM

PW

Chandless

FROM  
7/3

South Co. Team

(Please direct response to the above)

DRC 2004-00274

Project Name and Number

Development Review Section (Phone:

788-2009 )

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION: Minor Use Permit -> 795 s.f. secondary dwelling w/ 609 s.f. attached garage & 277 s.f. shop. Located off Lincoln Ave., Arroyo Grande on 1.2 acres. APN: 091-032-010. Distance Waiver.

Return this letter with your comments attached no later than:

7/15/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Recommended Approval - No Concerns - 500 yr Flood zone, no regular

04 Aug 2005  
Date

Goodwin  
Name

5252  
Phone



4

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 6/30/05

TO: Bldg. Div.

FROM: South Co. Team

(Please direct response to the above)

Chandless

DRC 2004-00274

Project Name and Number

Development Review Section (Phone: 788-2009)

\*OR ASK THE SWITCH-BOARD FOR THE PLANNER

PROJECT DESCRIPTION: Minor Use Permit -> 795 s.f. secondary dwelling w/ 609 s.f. attached garage & 277 s.f. shop. Located off Lincoln Ave., Arroyo Grande on 1.2 acres. APN: 091-032-010. Distance Waiver.

Return this letter with your comments attached no later than: 7/15/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES  
       NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

       NO (Please go on to Part III)  
       YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

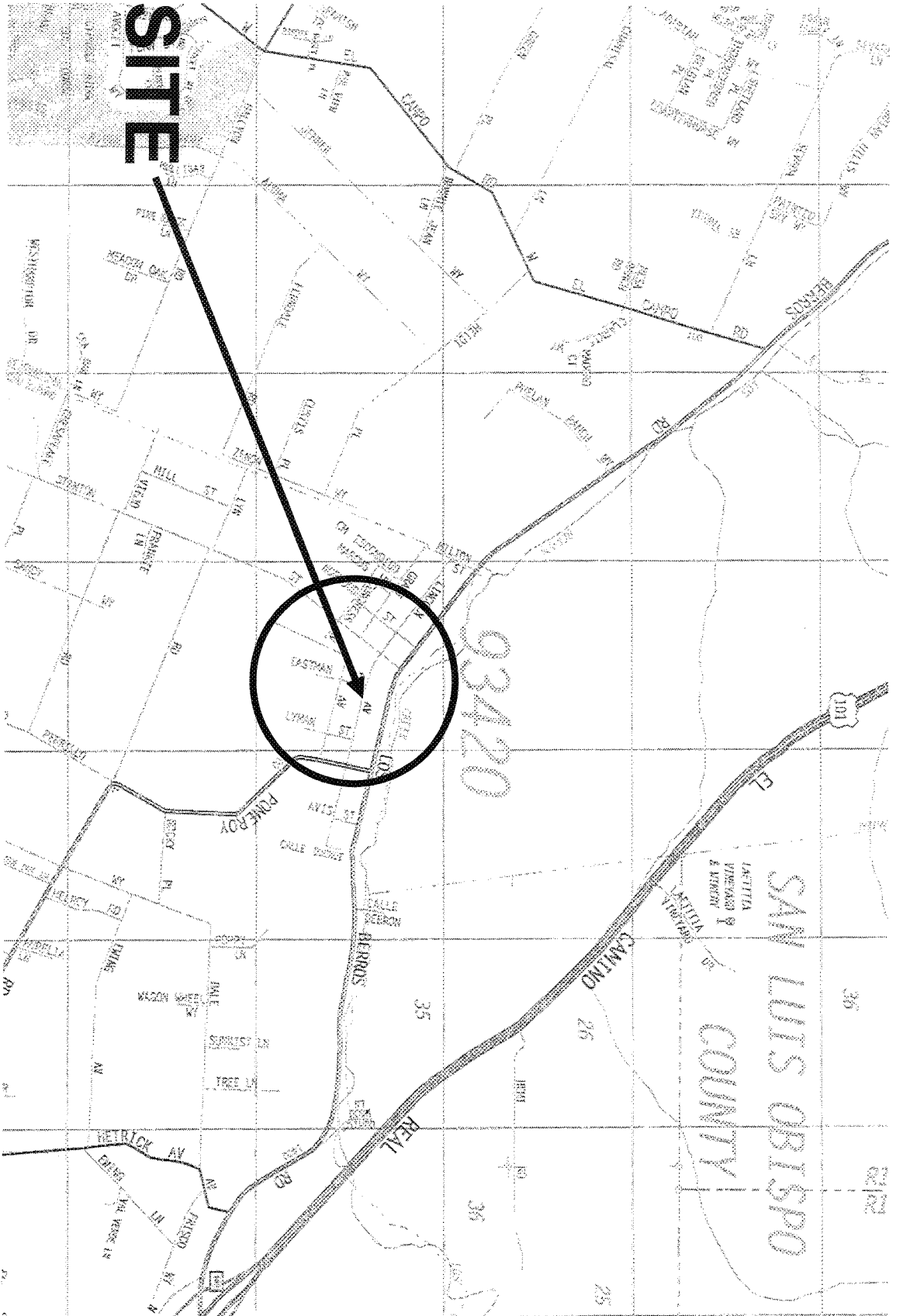
NO ISSUES.

7/5/05  
Date

2003 MOURENZA  
Name

5709  
Phone





**PROJECT**

Minor Use Permit  
Chandless DRC2004-00274



**EXHIBIT**

Vicinity Map

# STH

Minor Use Permit

Chandless DRC2004-00274



**EXHIBIT**

Land Use Category



**SITE**

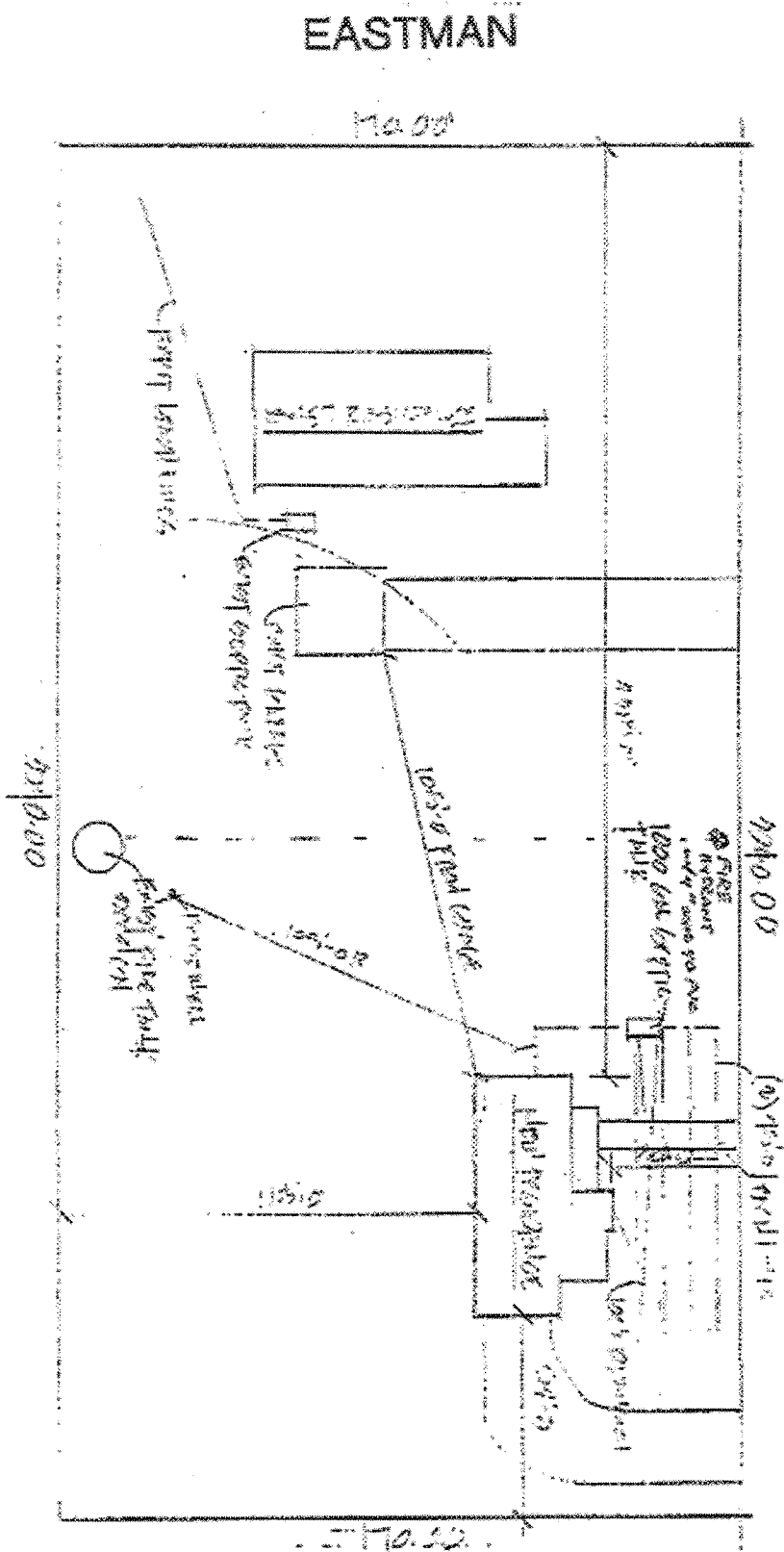
**PROJECT**

Minor Use Permit  
Chandless DRC2004-00274



**EXHIBIT**

Aerial



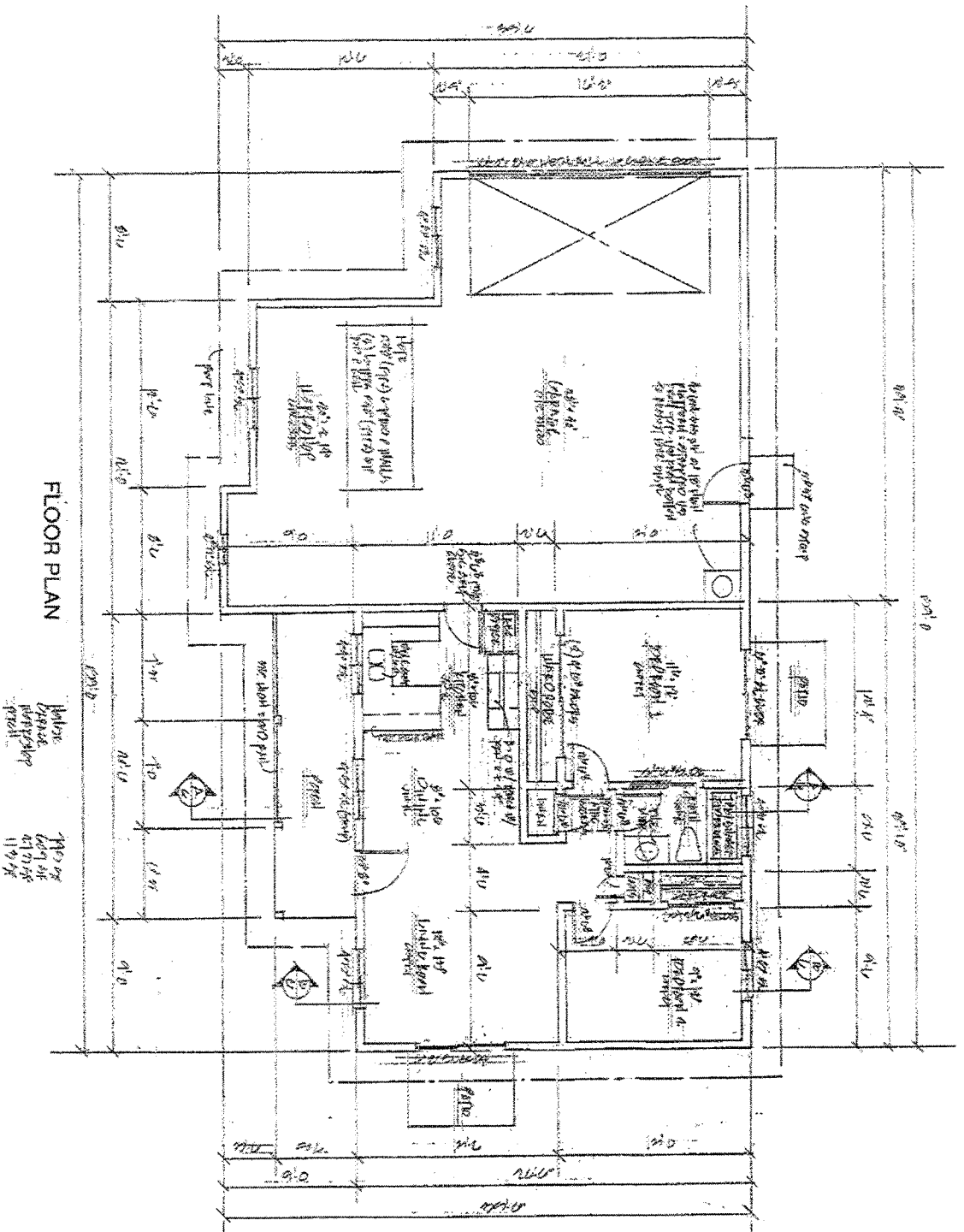
Minor Use Permit

Chandless DRC2004-00274



**EXHIBIT**

## Site Plan



FLOOR PLAN

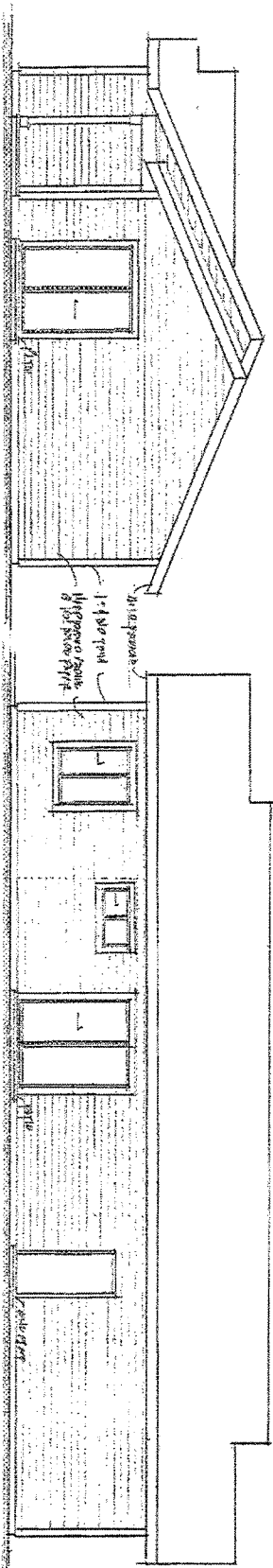
PROJECT

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Chandless DRC2004-00274

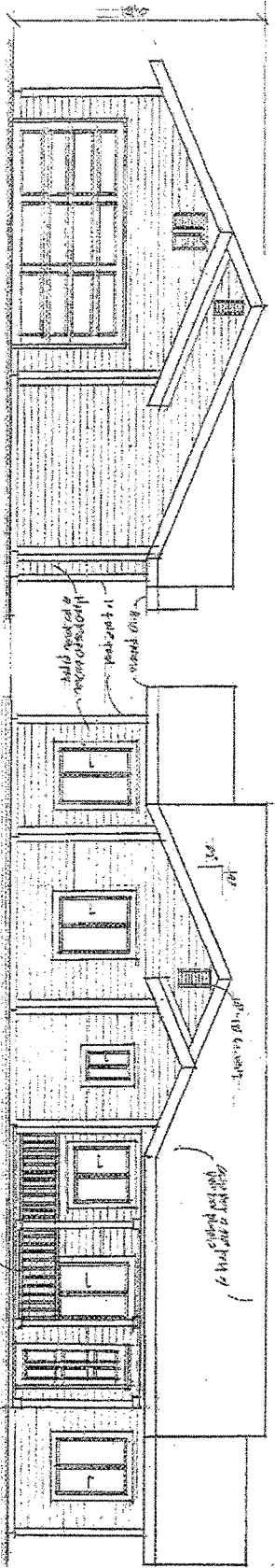


EXHIBIT

Floor Plan



RIGHT ELEVATION



LEFT ELEVATION

FRONT ELEVATION

REAR ELEVATION

PROJECT

Minor Use Permit  
Chandless DRC2004-00274



EXHIBIT

Elevations